

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LAURA J. BRUCE,
Plaintiff,

vs.

COMMISSIONER OF
SOCIAL SECURITY,
Defendant.

Case No. 1:16-cv-758
Black, J.
Litkovitz, M.J.

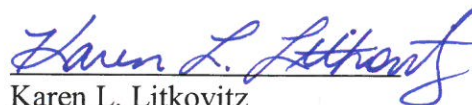
**REPORT AND
RECOMMENDATION**

This matter is before the Court on the parties' joint stipulation for an award of attorney fees and expenses under the Equal Access to Justice Act ("EAJA"). (Doc. 19). The parties have stipulated and petitioned the Court to enter an order awarding attorney fees in the sum of \$5,300.00 under the EAJA, 28 U.S.C. § 2412. The parties have stipulated that this award will satisfy "any and all claims for fees, expenses, and costs that Plaintiff may have under [EAJA], 28 U.S.C. § 2412." (*Id.* at 1). Further, "[a]ny fees paid belong to plaintiff, and not her attorney, and can be offset to satisfy any pre-existing debt that [plaintiff] owes the United States under *Astrue v. Ratliff*, 560 U.S. 586 (2010)." (*Id.*). See also *Kerr v. Comm'r of Soc. Sec.*, -- F.3d --, No. 16-6673, 2017 WL 4931926, *6 (6th Cir. June 15, 2017) (although the plaintiff has the right to assign the EAJA fee award to the plaintiff's lawyer, the award itself is payable to the plaintiff and the Commissioner has "discretion either to honor or not to honor the assignment.").

IT IS THEREFORE RECOMMENDED THAT:

The parties' joint stipulation for an award of attorney fees and costs (Doc. 19) be **GRANTED** and plaintiff be awarded a total of **\$5,300.00** in attorney fees and costs under the EAJA.

Date: 8/17/18


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).